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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

E. ALLEN REEVES, INC., :
Plaintiff, : Civil Action No.
v. : 3:10-CV-01393-JAP-TJB
MICHAEL GRAVES & ASSOCIATES, INC. :
Defendant. : ORDER

MICHAEL GRAVES & ASSOCIATES, INC. :
Counterclaimant, :
v. :
E. ALLEN REEVES, INC. :
Counterdefendant :

MICHAEL GRAVES & ASSOCIATES, INC. :
Third Party Plaintiff, :
v. :
DAVID CHOU & ASSOCIATES; KELTER & :
GILLIGO CONSULTING ENGINEERS; :
FISHER MARANTZ STONE, INC.; THE :
ARTS COUNCIL OF PRINCETON; SAL :
ARNONE; JOHN DOES 1-50, :
Third Party Defendants :

THIS MATTER having been opened to the Court upon application of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for Third Party Defendant Fisher Marantz Stone, Inc., for an Order dismissing the Third Party Complaint with 1041767.1

prejudice; and the Court having considered the moving papers, any opposition filed thereto, and for good cause shown,

IT IS on this _____ day of _____, 2010,

ORDERED that the Third Party Complaint (and any version thereof) is dismissed with prejudice as to Fisher Marantz Stone pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction as the dispute between Third Party Plaintiff Michael Graves & Associates and Third Party Defendant Fisher Marantz Stone is mandated, per contract, to be resolved via mediation and/or arbitration; and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel of records within _____ days of the date hereof.

Hon. Joel A. Pisano, U.S.D.J.